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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

THE ESTATE OF BISHAR ALI HASSAN,)
AHMED HASSAN, and BILAY ADEN IDIRIS,)
)
Plaintiffs,)
)
vs.)
)
MUNICIPALITY AND CITY OF)
ANCHORAGE, MATHEW HALL, NATHAN)
LEWIS, BRETT EGGINMAN, and DOES 1-2)
INCLUSIVE,)
)
Defendants.) Case No. 3:21-cv-00076-SLG
)

MOTION TO STRIKE PLAINTIFFS'
CROSS-MOTION FOR SUMMARY JUDGMENT (DKTS. 37 & 40)

At Dkt. 40 is a pleading that is categorized in the electronic filing systems as a Cross Motion for Summary Judgment.¹ Earlier, at Dkt. 37, plaintiffs filed their opposition to Municipal Defendants' Motion for Summary Judgment and include a cross-

¹ The pleading at Dkt. 37 and Dkt. 40 are identical.

motion. Any request for summary judgment by plaintiffs is untimely and should be stricken pursuant to Fed. R. Civ. P. 12(f).

Under the Scheduling and Planning Order (Dkt. 11) and District of Alaska Local Rule 16.1(c) the deadline for dispositive motions in this matter was August 29, 2022. On August 26, 2022, Municipal Defendants filed a motion (Dkt. 28) seeking an extension of that deadline until October 5, 2022. Counsel for plaintiffs was aware of the motion and agreed to the extension. The court granted the motion and the requested extension. (Dkt. 29)

In accordance with the new deadline, on October 5, 2022, Municipal Defendants filed their Motion for Summary Judgment. (Dkt. 34) Plaintiffs did not file any dispositive motion at that time.

However, when plaintiffs filed their opposition to the Defendants' Motion for Summary Judgment on November 14, 2022, the pleading states that it is both an opposition and a cross-motion for summary judgment. (Dkt. 37) Indeed, at the end of the pleading, plaintiffs affirmatively state they seek both a denial of Defendants' motion as well as summary judgment on their behalf. (Dkt. 37 at p. 30). Two days later, on November 16, 2022, that very same pleading was filed at Dkt. 40 and classified in the electronic filing system as a cross motion for summary judgment.

The deadline for plaintiffs to file dispositive motions was October 5, 2022. Plaintiffs did not seek any extension or seek leave to file this untimely cross-motion. Nor

have plaintiffs offered any explanation or justification for filing their cross-motion at this time. Accordingly, the cross motion included at Dkts. 37 and 40 should be stricken.

Respectfully submitted this 21st day of November, 2022

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Acting Municipal Attorney

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Certificate of Service

The undersigned hereby certifies that on 11/21/22, a true and correct copy of the foregoing was served by electronic means through the CM/ECF system.

Rex Butler

/s/ Cathi Russell
Cathi Russell, Legal Secretary
Municipal Attorney's Office